

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF ALASKA

3 THE UNITED STATES for the use of)
4 GMW Fire Protection, Inc., an Alaska)
Corporation,)
5 Plaintiff,)
6)
7 vs.)
8 KANAG'IQ CONSTRUCTION CO.,)
INC., an Alaska Corporation, and)
9 WESTERN SURETY COMPANY, a)
South Dakota Corporation,)
10)
11 Defendants.) Case No. A05-170 CI (TMB)
12)

13 AFFIDAVIT OF NANCY STANGEL

14 STATE OF ILLINOIS)
15) ss.
COOK COUNTY)

16 Nancy Stangel, being first duly sworn, deposes and states:

17 1. I am an authorized representative of Western Surety Company, the surety in
18 this case.

19 2. Western Surety had authorized Mr. Gingras, counsel for Kanag'Iq
20 Construction Company, Inc. and Western Surety Company, to propose using the existing
21 surety bond as the functional equivalent of an appeal bond in this case.

22 3. However, because Western Surety's liability is different from Kanag'Iq
23 Construction Company, Inc.'s, Western Surety will allow the existing payment bond to be
24

1 used as an appeal bond on the following conditions. First, attorney's fees awarded in the
 2 amount of \$40,261.25 will not be covered, given the Court's ruling that Western Surety is
 3 not liable for the attorney's fees, and secondly, the existing bond will serve as an appeal
 4 bond as long as Western Surety is a party to the case. That is, if the Ninth Circuit Court of
 5 Appeals exonerates Western Surety's bond, then that bond would only remain in effect for
 6 so long as the rules of procedure require (for example, until the running of the appeal
 7 period for an appeal from the Ninth Circuit.) Kanag'Iq Construction Company, Inc. would
 8 have to provide its own security in that event.
 9

10 FURTHER YOUR AFFIANT SAYETH NAUGHT.

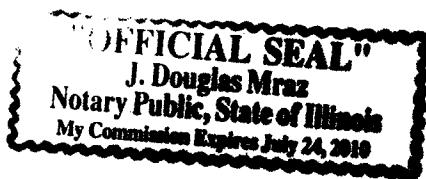
11 DATED at Chicago, Illinois this 15th day of August, 2008.
 12

13
 14 By: Nancy Stangel
 Nancy Stangel
 15

16 SUBSCRIBED AND SWORN to before me this 15 day of August, 2008.
 17

J. Douglas Mraz

18
 19 Notary Public for the State of Illinois
 My Commission Expires: 7/24/2010
 20



CERTIFICATE OF SERVICE

1 I am a legal secretary employed by the law
2 firm of Eide & Gingras, P.C. That on this
27 day of August 2008, I served

3 [x] Electronically

4 a true and accurate copy of the foregoing
document upon the following counsel of record:

5 Sarah J. Tugman, Esq.
2509 Eide Street, Suite 4
Anchorage, AK 99503

6 EIDE & GINGRAS, P.C.

7 By /s/Donna Charter

8 F:\431\05\pleadings\Affidavit of Nancy Stangel.DOC

Eide & Gingras, P.C.
425 G Street, Suite 930
Anchorage, Alaska 99501
(907) 279-0930 telephone
(907) 279-0933 fax

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Affidavit of Nancy Stangel

The United States for the use of GMW Fire Protection v. Kanag'Iq Construction Co., Inc., et al.
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